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10/586,922	07/24/2006	Atsushi Matsutani	292901US8PCT	8179
22850 7590 02/02/2011 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER ROBINSON, GRET A LEE				
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/586,922
Filing Date: July 24, 2006
Appellant(s): MATSUTANI, ATSUSHI

Bradley D. Lytle
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 06, 2010 appealing from the Office action mailed July 15, 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:
Claims 1, 2, 4-8, 10-15 are pending in the present application. Claims 3 and 9 have status cancelled.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6,928,262 B1

Kanemitsu et al.

8-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 2, 4-8 and 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Kanemitsu et al. US Patent 6,928,262 B1.

Regarding claim 1, **Kanemitsu** teaches a program search system [note: "A broadcast receiving device which clearly indicates supplemental information transmitted along with broadcast content, and which **facilitates program search**" abstract] comprising:

a keyword registration unit configured to register a keyword for showing the user's preference in broadcast programs [note: column 3 line 63 through column 4 line 11 keyword mode switching means provides ability to obtain **registered keywords** for topic information search registered keywords are stored as keywords in keyword storing means; Figures 25-25; col. 3 lines 56-57];

a communication unit, including a processor, configured to receive broadcast content information including the titles of said broadcast programs that will be broadcasted by one or more broadcasting stations [note: Figure 1 (17) input device; and processor means column 2 lines 59-67; note "**processor 7**" column 8 lines 59-61 and Figure 1]; and

a detector configured to detect an appearance frequency of said keyword by said broadcast programs by searching broadcast content information received by said hardware communication unit, said detector configured to generate a ranking of said broadcast programs in descending order of a higher appearance frequency of said keyword as a search result, the detector configured to generate the ranking based on the number of times the keyword appears in each broadcast program [note: Figure 1 310 **EIT analyzer** (i.e. detector) column 8 line 62 through column 9 line 19 music is detected through the content descriptor 101; also note column 10 lines 18-49 selection

frequency storing unit for storing a selection frequency related to each topic; selector frequency assigned with ranking see column 10 lines 10-37].

Regarding claim 2, "said detector is configured to specify a broadcast program according to the appearance frequency of said keywords" [see: column 10 lines 18-49 selection **frequency storing unit** for storing a selection frequency related to each topic].

Regarding claim 4, "a search condition setting unit configured to set ... configured to transmit request information ..." [note: column 3 lines 1-9 **search processing means**; column 13 lines 25-39].

Regarding claim 5, "said communication unit is configured to transmit request information ... storage device that stores broadcast content information ..." [note: column 2 lines 42-44 memory means stores program; Figure 1 (9) memory device; column 10 lines 19-50].

Regarding claim 6, "said communication unit configured to receive electronic program listings formed by broadcast content information ..." [note: column 11 lines 5-20].

The limitations of claims 10 and 12 parallel system claim 1; therefore they are rejected under the same rationale.

Regarding claim 7, Kanemitsu teaches the following limitations: "a storage medium configured to store broadcast information" see Figure 1 (9) memory device; "a receiver, including a processor, configured to receive search condition information" note Figure 1 917) and processor means column 2 lines 46-67; "search means for searching" note column 3 lines 1-9; "a detector configured to detect an appearance frequency" see column 8 line 62 through column 9 line 19 music is detected through the content descriptor 101; also note column 10 lines 18-49 selection frequency storing unit for storing a selection frequency related to each topic ; and "a transmitter configured to transmit information" column 3 lines 10-17.

Regarding claim 8, said detector is configured to generate information to specify a broadcast program, according to the appearance frequency [see: column 10 lines 19-50].

The limitations of claims 10 and 12 parallel and/or are similar in scope to system claim 1; therefore they are rejected under the same rationale.

The limitations of claims 11 and 13 parallel system claim 7; therefore they are rejected under the same rationale.

Regarding claims 14 and 15, a display unit ... [note: column 8 lines 35-61 display priority associated with ranking may be defined by the end user; Figure 22 note "display" flow chart step (s16)].

(10) Response to Argument

ARGUMENT:

In the response Applicant argued Kanemitsu does not teach "said detector configured to generate a ranking of said broadcast programs in a descending order of a higher appearance frequency of said keyword as a search result, the detector configured to generate the ranking based on a number of times the keyword appears in each broadcast program" as recited in claim 1. In response to Applicant's argument the Examiner respectfully maintains the rejection.

RESPONSE:

Note Kanemitsu teaches a **"broadcast receiving device"** which clearly indicates supplementary information transmitted along with broadcast content, and which **facilitates program search**" note abstract. "When indicating a search screen image, the topic information items are extracted from the supplementary information as search keywords and indicated to the user in the screen image" abstract. *The system has the*

ability to detect a frequency appearance associated with a users preference. Note, **column 2 lines 46-58:**

The broadcast receiving device of the present invention preferably includes a manipulation means for allowing a user to input his/her selection of a topic to be displayed, and means to change a display priority ranking (i.e. *ability to define ranking order*) stored in the memory means according to the number of times of topic selection by the user [see: column 2 lines 46-58; also see column 10 lines 44-47 "By changing the display priority ranking according to selection frequencies"].

According to this aspect, the present invention can be adapted to individual users having different values towards each topic, offering information useful for each user. This is accomplished based on the fact that typically a user of a receiver repeatedly selects information which most highly suits his or her interests and tastes. A number of selection may favorably be expressed as a selection [column 2 lines 46-58].

Kanemitsu teaches frequency of terms with respect to ranking see column 9 lines 59-67 "topics which are selected at a higher frequency are arranged near the top of the list". The system provides for **defining the order** of a particular display [see: column 10 lines 10-36 change of display priority ranking]. Therefore, Kanemitsu provides for a detector configured to generate a ranking of broadcast programs, note *ability to select*

or define interest column 9 lines 5-12 and 59-67, column 8 lines 35-55 and column 10 lines 38-40.

Also, note column 3 lines 43-55 which states "Keyword memory means preferably performs storing process by correlating the topic information with a keyword priority degree according to a number of times of topic information extraction. Furthermore, the search processing means preferably displays stored topic information on the program search screen image according to the keyword priority degrees. For example, the topic information is displayed in an order according to the keyword priority degrees." (Note number of times is frequency.) Kanemitsu describes the ability to define or change a display priority ranking, see column 10 lines 27-29 "The topic having the highest selection frequency is assigned with the highest priority ranking.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Greta L. Robinson/

Primary Examiner, Art Unit 2169

Appeal Conference held on Wednesday, January 26, 2011, at 10:15AM EST. Agreement was reached to proceed to the Board of Appeals and Interferences.

Conferees:

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